

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

SKYLINE SOFTWARE SYSTEMS, INC.	)	
	)	Civil Action No. 04-11129 DPW
Plaintiff,	)	
	)	
v.	)	
	)	
KEYHOLE, INC.,	)	
	)	
Defendant.	)	
	)	
	)	

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**DEFENDANT KEYHOLE, INC.'S OBJECTIONS  
TO SKYLINE SOFTWARE SYSTEMS, INC.'S MOTION FOR LEAVE  
TO FILE SUR-REPLY BRIEF IN SUPPORT OF ITS OPPOSITION TO  
DEFENDANT'S MOTION TO TRANSFER VENUE**

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Defendant Keyhole, Inc. hereby objects to Plaintiff's Motion For Leave to File Sur-Reply Brief in Support of Its Opposition to Defendant's Motion To Transfer Venue, filed by hand and served by mail on California counsel on December 6, 2004, for the following reasons:

- (1) Skyline failed to meet and confer with Keyhole regarding its motion for leave, in violation of L.R. 7.1(A), which requires counsel to meet and confer before filing a motion;
- (2) Skyline filed its motion by hand, and effected service on lead counsel Fenwick & West by U.S. Mail, yet again in violation of the Court's Order of November 22, 2004 requiring that all submissions be electronically filed;
- (3) the proposed Affidavit of Aharon Yaron in Support of Skyline's Sur-Reply Brief has not been executed (at least as apparent from the copy served on counsel);
- (4) Skyline's Proposed Sur-Reply brief attempts to add additional evidence to the record that could and should have been included in its opposition, in an attempt to sandbag Keyhole so that Keyhole could not address the additional evidence in its reply brief.

Skyline's motion for leave to file a sur-reply should therefore be denied, and Plaintiff should be instructed to comply with the Court's order of November 22, 2004 with regard to electronic filing, and ordered to comply with its obligation under the LR 7.1(A) to meet and confer as to all future motions.

Dated: December 7, 2004

By its Attorneys,

FENWICK & WEST LLP

/s/ Darryl M. Woo

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